



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
(413) 967-9648 ext. 120

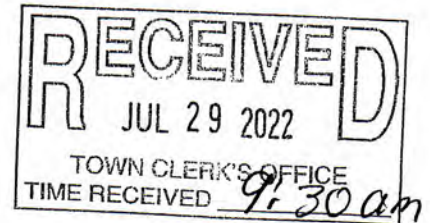
PLANNING BOARD

MEETING AGENDA

Location: Board of Selectmen's Meeting Room
Town Hall, 126 Main Street, Ware, MA 01082
Date & Time: Thursday, August 4th, 2022 @ 7:00 PM

Digital Participation:

Phone number: 929-205-6099
Meeting ID: 784 604 1861
Passcode: 01082



Instructions for call-in option: at or before 7pm call the phone number above and when prompted enter the Meeting ID number. The platform is Zoom Meetings. Join online: <https://zoom.us/join>

-
- Pledge of Allegiance
 - Administrative
 - Approval of minutes from July 7th, 2022
 - Approval of minutes from July 21st, 2022
 - Scheduled Appearances
 - SPR-2022-02 : Green Adventure, LLC
 - Continued discussion on the minor site plan review for the proposed Adult Use Marijuana Dispensary (Green Adventure, LLC) at 14 West Street.
 - Proposed Zoning District Change : 415 – 417 Belchertown Road (Bergeron)
 - Proponents are seeking to redistrict from Rural Residential (RR) to Industrial (I) on two parcels (21-0-21 & 21-0-22) located on Belchertown Road. Current site of Canadian Tree Experts and the planned site of an 8 acre solar array.
 - Old Business
 - Review of Newly Proposed Subdivision Regulations
 - Section 2.1 to 2.4.2 (Preliminary Plan Procedures/Requirements and Definitive Plan Procedures [pages 16-22]) will be reviewed.
 - New Business
 - Any matters that are brought up that the Chair did not anticipate including on the agenda prior to this meeting.
 - Town Planner Update

The next Planning Board meeting will be held August 18th, 2022.

At the time of posting, the agenda items listed above are what is reasonably anticipated by the Chairman to be discussed at this meeting. Other items not listed may be brought up for discussion to the extent permitted by law. The general public is invited to this and all meetings of the Ware Planning Board.



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

Planning Board

Meeting Minutes from

Thursday, July 7, 2022

Board of Selectmen's Meeting Room, Town Hall

Planning Board Members in Attendance:

Rick Starodoj, Chairman

Kenneth Crosby

Nancy Talbot, Clerk

Elizabeth Hancock, Alternate

Board Members Absent:

Ed Murphy, Vice-Chairman

Joseph Knight

Staff Members in Attendance:

Rob Watchilla, PCD Dept. Director

Laura White, Admin. Assistant to PCD Dept. (remote)

Members of the Public in Attendance:

Dan Allen (remote)

PLEDGE OF ALLEGIANCE

Chairman R. Starodoj called the meeting to order at 7:00pm and led the Pledge of Allegiance.

MOMENT OF SILENCE

R. Starodoj held a moment of silence for Gilbert "Gibby" St. George Sorel, the Department of Public Works Superintendent who recently passed away after decades of serving the Town of Ware.

ADMINISTRATIVE

Approval of Minutes from Planning Board meeting on Thursday, June 16th, 2022.

Motion made by N. Talbot to approve the minutes from June 16th. Seconded by K. Crosby. No additional discussion.

R. Starodoj	Aye
E. Murphy	Absent
N. Talbot	Aye
K. Crosby	Aye
J. Knight	Absent

All in favor. Approved 3/0/2.

SCHEDULED APPEARANCES

Minor Site Plan Review - McDonald's USA, LLC (1717-119 West Main Street)

R. Watchilla read the Permit Summary Report which stated, "The applicant is requesting minor site plan approval to convert a one lane (one menu display) drive thru into a two lane (two menu display) drive thru. This applicant has an active Special Permit from 1987 and the site plans submitted deviate from the 1987 plans." The Permit Summary Report also included comments from the Conservation Department as well as the Town Manager's Office. The Conservation Commission issued a Negative Determination, Number 2 granting permission to reconfigure the drive-thru area, modify the trash enclosure, and to create a landscape rain-garden area to the northwest of the site as shown on the approved plans. As part of the Determination, the Commission added the Special Condition that the property shall be maintained by removing trash throughout the site on a weekly basis or after major storm event. Unrelated to the Minor Site Plan Review, the Town Manager asks the applicant to trim their existing landscape along West Street.

Board members K. Crosby, N. Talbot, and R. Starodoj stated concerns about traffic issues caused by the current set up of the parking lot, and questioned whether the addition of a second drive-thru lane would help this, or create more traffic.

D. Allen stated he would speak with McDonalds about rearranging the parking lot set up. He added the intention behind adding a second drive-thru lane is to prevent traffic from over-flowing onto the street when a vehicle is placing a large order.

K. Crosby asked where they would store snow in the winter.

D. Allen stated snow would be stored in the landscape area toward the back of the property, but he will follow up with McDonald's on what they plan to do.

K. Crosby suggested adding the condition, "Signs and vegetation should not interfere with the line of sight, when entering or exiting the property." The Board agreed to add the condition.

Motion made by N. Talbot to approve the Minor Site Plan with the above stated conditions.
Seconded by K. Crosby.

R. Starodoj	Aye
E. Murphy	Absent
N. Talbot	Aye
K. Crosby	Aye
J. Knight	Absent

All in favor. Approved 3/0/2.

D. Allen thanked the Board and left the meeting.

PUBLIC HEARINGS

Permit Fee Schedule Hearing (continued discussion)

R. Starodoj stated this discussion should wait until all Planning Board members are present.

Motion made by N. Talbot to continue the Permit Fee Schedule Public Hearing at the next scheduled Planning Board meeting. Seconded by K. Crosby.

R. Starodoj	Aye
E. Murphy	Absent
N. Talbot	Aye
K. Crosby	Aye
J. Knight	Absent

All in favor. Approved 3/0/2.

NEW BUSINESS

Review of Newly Proposed Subdivision Regulations

R. Watchilla read from the newly proposed Subdivision Regulations.

N. Talbot suggested adding footnotes to show what year policies were adopted.

R. Watchilla informed the Board, after they review the regulations, they will be sent to Town Council.

The Board reviewed and discussed the definitions section of the proposed Subdivision Regulations.

TOWN PLANNER UPDATE

Bank Street Reconstruction Project

R. Watchilla informed the Board the Bank Street Reconstruction Project is now complete. It involved the installation of new water and sewer lines along Bank Street and Park Avenue. Bank Street received a new topcoat, sidewalks, and wooden guard rail along the eastern side of the Dog Park parking lot. The project took just over two months to complete.

Planning & Community Development Department Administrative Assistant Position

Interviews for the PCD Department Administrative Assistant position will be held next week. The Department is hoping to fill the position by the end of the month.

Planning Department Ongoing Projects

Initial research is still being done for the 2022 update of the Open Space and Recreation Plan.

New initiative by the PCD Department to provide a yearly report showing demographic information such as population (age, sex,, race, income, education), housing, business and

workforce industry characteristics, and spatial analysis (vacant units, land development, land use, and population density).

West Street Corridor Study

The findings of the West Street Corridor study were recently presented to the Board of Selectmen and will soon be available to the Public on the Town website.

ADJOURN

Motion made by N. Talbot to adjourn the meeting at 9:00pm. Seconded by K. Crosby.

R. Starodoj	Aye
E. Murphy	Absent
N. Talbot	Aye
K. Crosby	Aye
J. Knight	Absent

All in favor. Approved 3/0/2.

NEXT PLANNING BOARD MEETING DATE:

Thursday, July 21st, at 7:00pm.

Minutes from Thursday, July 7th, 2022

Respectfully submitted by,

Laura White
Administrative Assistant
Planning & Community Development

Minutes Approved on: _____

Starodoj _____

Murphy _____

Talbot _____

Crosby _____

LEGEND

- ⊙

SANITARY SEWER MANHOLE

⊙

STORM DRAIN MANHOLE

⊕

CATCH BASIN

⊕

TRAFFIC PEDESTRIAN POST

⊕

TRAFFIC SPAN POLE

⊕

TRAFFIC PULL BOX

⊕

TRAFFIC CONTROL BOX

⊕

TELECOMM MANHOLE

⊕

TELECOMM POST

⊕

ELECTRIC MANHOLE

⊕

ELECTRIC TRANSFORMER

⊕

UTILITY POLE W/GUY

⊕

UTILITY POLE

⊕

LIGHTPOST

⊕

GROUND LIGHT

⊕

G.G. GAS GATE

⊕

GAS TEST BOX

⊕

W.G. WATER GATE

⊕

HYDRANT

⊕

WATER MANHOLE

⊕

SIGN

⊕

MAILBOX

⊕

FLAGPOLE

⊕

CONIFEROUS TREE

⊕

DECIDUOUS TREE

⊕

TREE STUMP

⊕

MONITORING WELL

⊕

TEMPORARY BENCH MARK

FD

FOUND

SB

STONE BOUND

CB

CONCRETE BOUND

RR SPK

RAILROAD SPIKE

IP

IRON PIPE

RB

REINFORCING BAR

DH

DRILL HOLE

GB

GUN BARREL

IB

IRON BAR
- BUILDING

SILL LOCATION SHOT

CONTOUR (INDEX)

CONTOUR (INTERMEDIATE)

SANITARY SEWER

STORM DRAIN

WATER MAIN

UNDERGROUND ELECTRIC

UNDERGROUND TELEPHONE

UNDERGROUND TELEVISION

GAS LINE

OVERHEAD ELECTRIC

EDGE OF VEGETATION

EDGE OF HEDGE ROW

FLAGGED WETLAND

IRON FENCE

WOOD FENCE

CHAIN LINK FENCE

STONE WALL

RIPRAP SLOPE

RETAINING WALL

GUARD RAIL

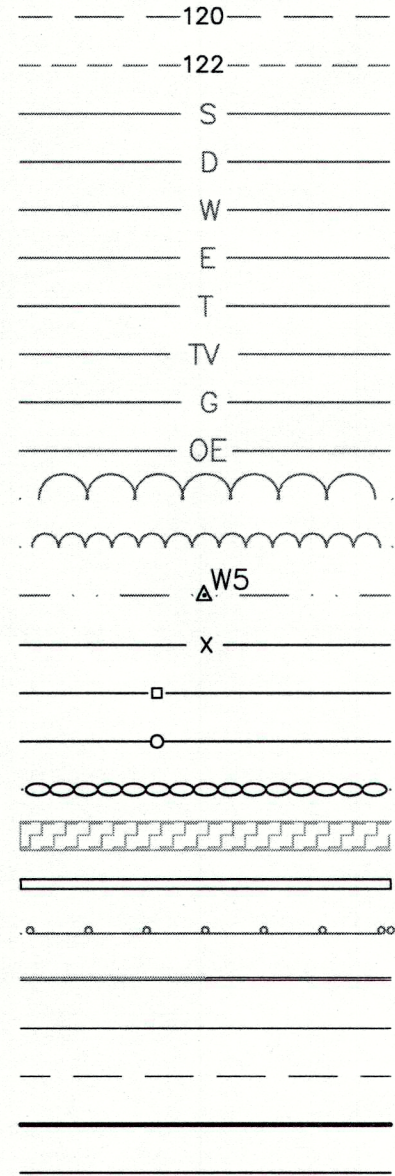
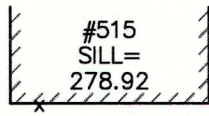
CURB OR BERM (AS NOTED)

EDGE OF PAVEMENT

EDGE OF GRAVEL

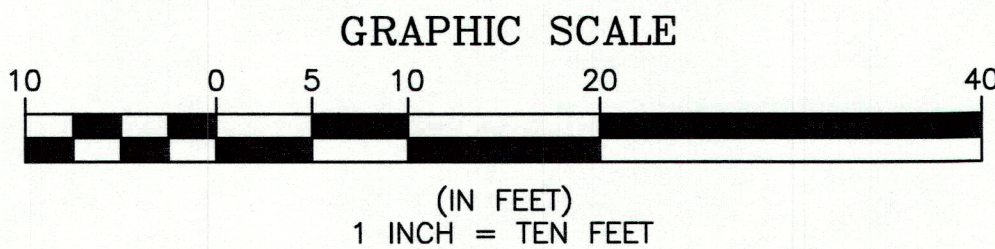
PROPERTY LINE

ABUTTER LINE



NOTES:

- LOCATIONS OF UTILITIES SHOWN HEREON ARE THE RESULT OF SURFACE EVIDENCE AS LOCATED BY FIELD SURVEY, PLANS OF RECORD, AND OTHER AVAILABLE SOURCES. THIS PLAN DOES NOT NECESSARILY DEPICT THE EXACT LOCATIONS OF ALL UTILITIES WHICH MAY EXIST AT THIS TIME WITHIN THE PREMISES SURVEYED.
- THE CONTRACTOR SHOULD VERIFY THE EXISTING CONDITIONS TO HIS SATISFACTION PRIOR TO BEGINNING ANY EXCAVATION. "DIG SAFE" SHALL BE NOTIFIED AT LEAST 72 HOURS PRIOR TO BEGINNING ANY WORK.
- THIS PLAN IS BASED ON A FIELD SURVEY DATED 12/27/2021 THROUGH 01/27/2022
- HORIZONTAL DATUM IS NAD83. VERTICAL DATUM IS NAVD88. BOTH DATA WERE ESTABLISHED ON SITE USING GPS METHODS. A TEMPORARY VERTICAL BENCHMARK WAS SET AS SHOWN ON PLAN.

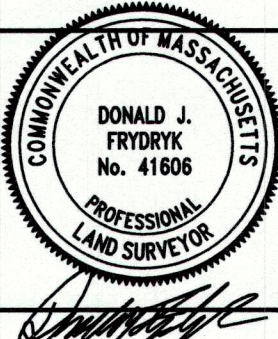


NO.	DATE	BY	REVISIONS

SHERMAN & FRYDRYK
Land Surveying, Engineering & Scientists
A DIVISION OF HANCOCK SURVEY ASSOCIATES, INC.
3 Converse Street, Suite 203
Palmer, MA 01069



FIELD WORK: PS/TC
COMPS: KJD
DRAFTING: KJD
CHECKED: TRF
APPROVED: DJF



SCALE:
HORZ: 1"=10'
VERT: N/A
DATE: 3/16/2022

EXISTING CONDITIONS
WEST STREET & PULASKI STREET

PLAN OF LAND IN
WARE, MA
PREPARED FOR
HARRIS HOLDINGS, LLC.

PROJECT NUMBER
21220
SHEET NUMBER
1 OF 1

No.	Description	Date
2	Add Generator	8-1-22
1	Exterior Lights	7-5-22

Revisions

Sheet Title:

PROPOSED
FLOOR PLANS

C:\Users\CAD3\Desktop\AI Files\Project\res21-84 West St Cannabis - Harris21-84_Green Ventures.rvt

Printed on: 8/1/2022 4:37:52 PM

Issue Date:

3/16/22

Project No.

21-84

Drawn By:

PNH

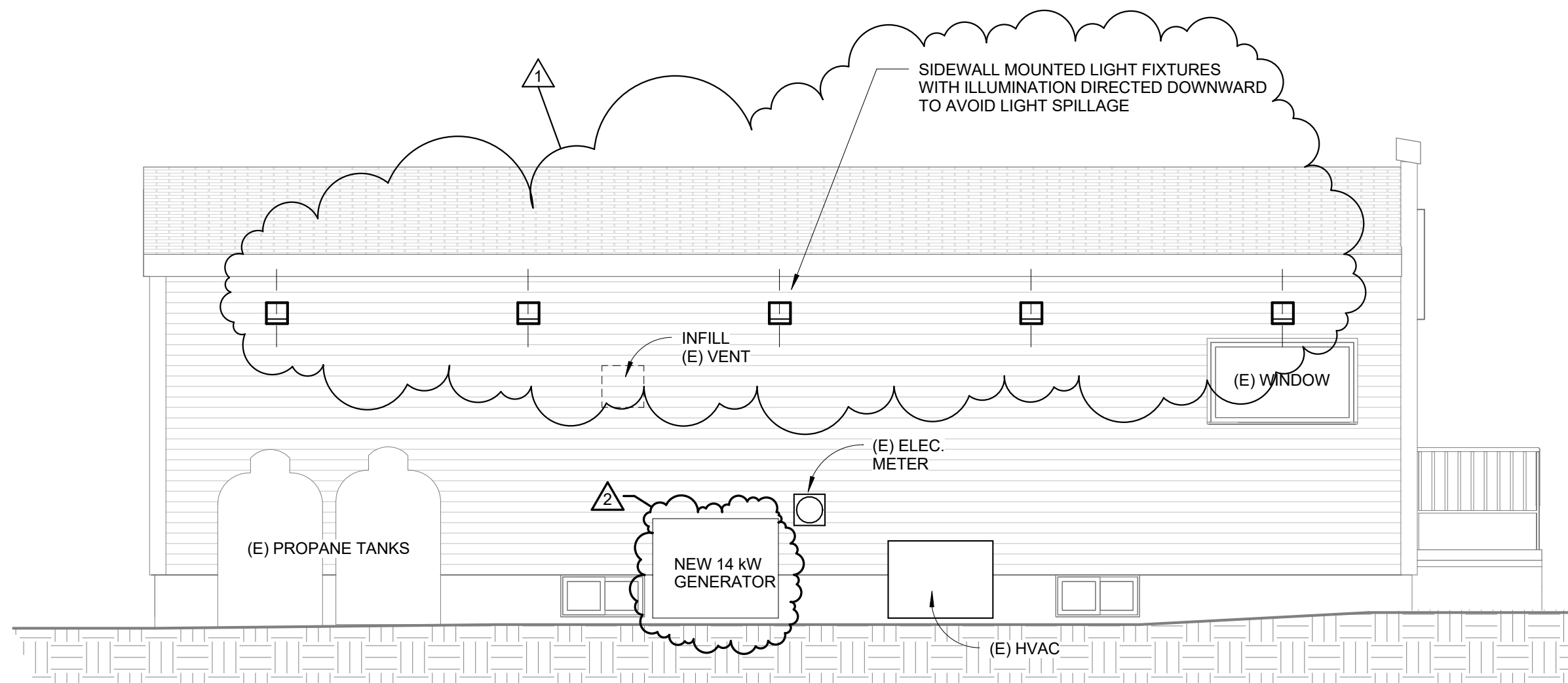
Checked By:

RSH

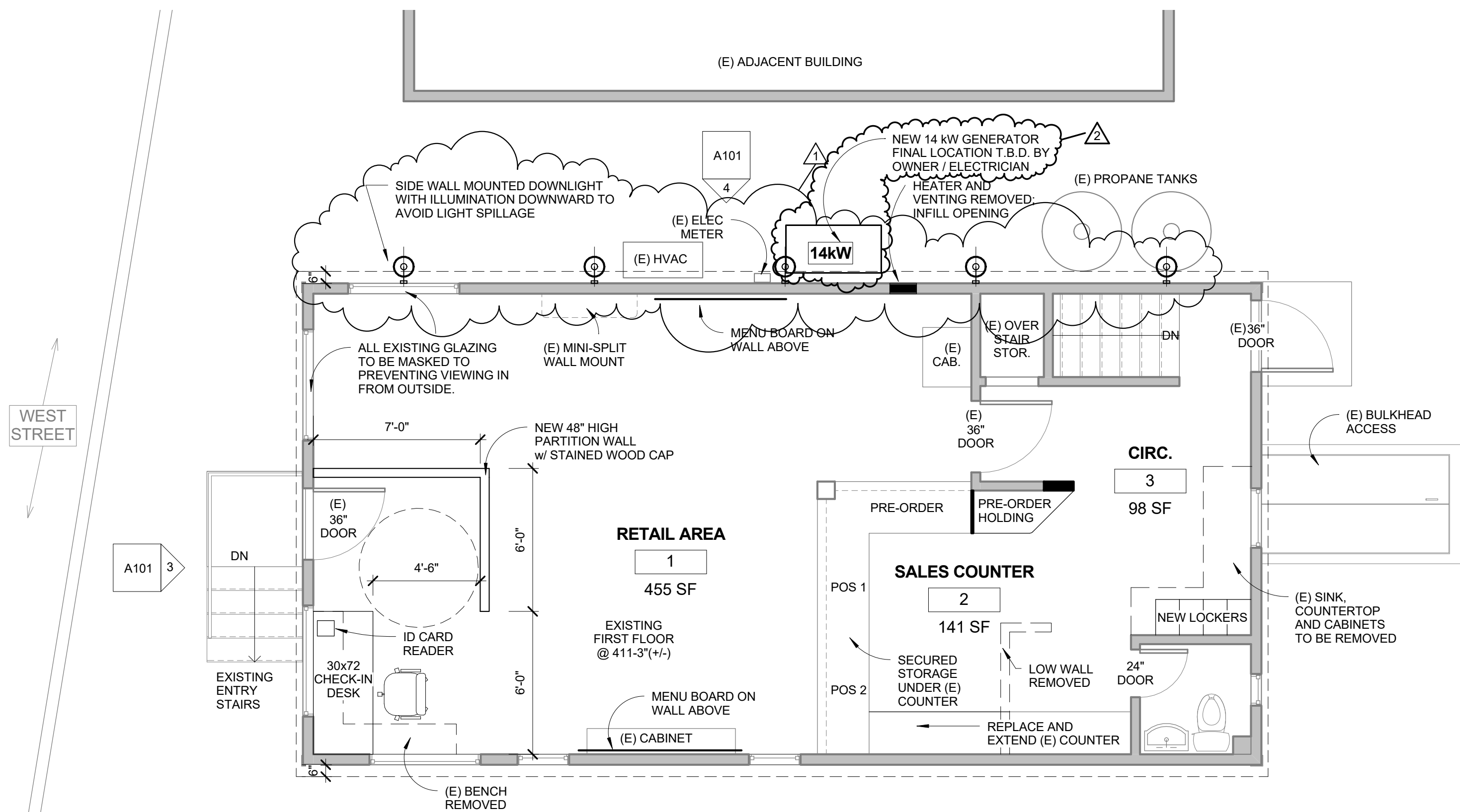
A101



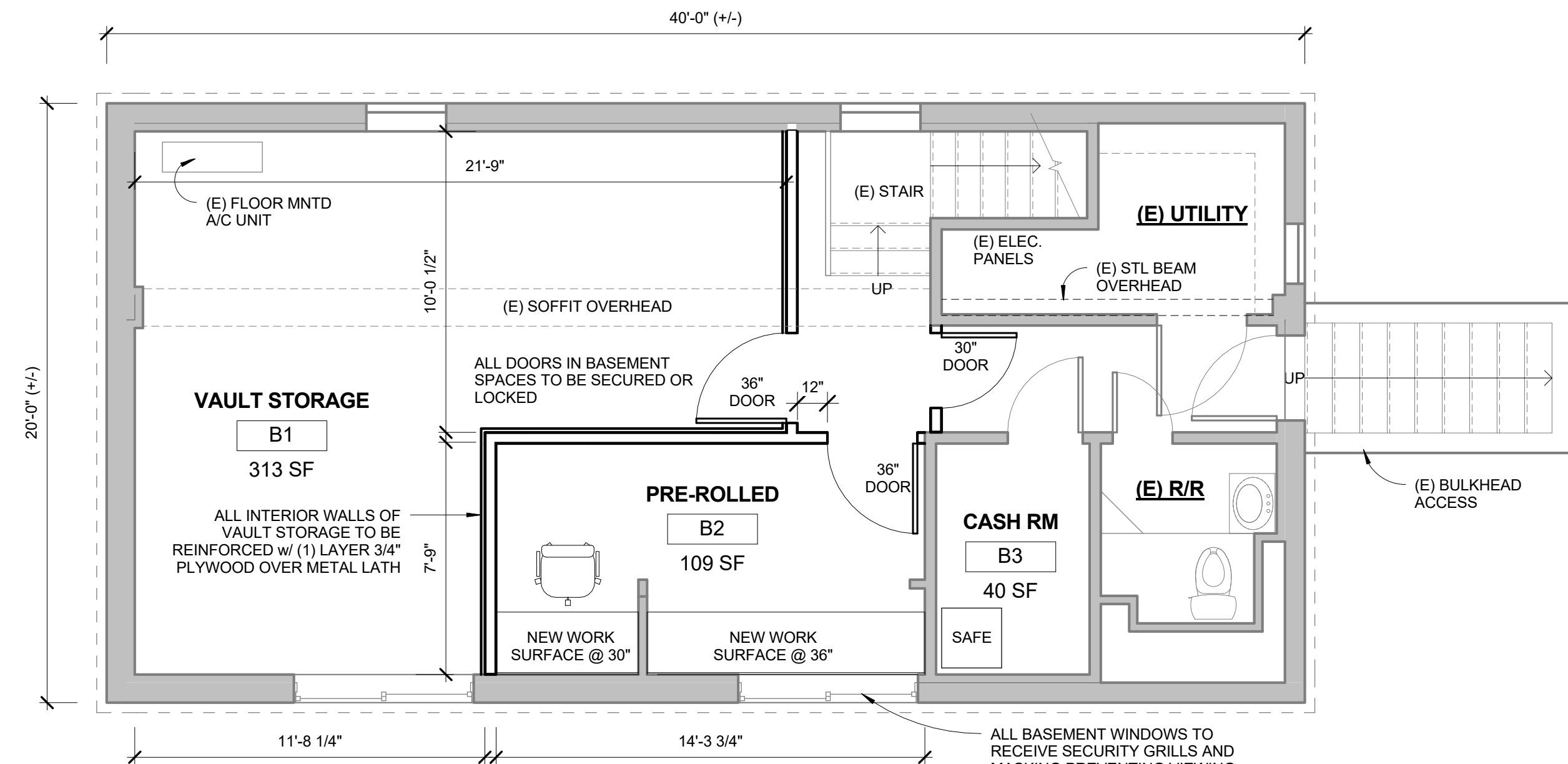
3 WEST STREET ELEVATION
1/4" = 1'-0"



4 EXISTING NE ELEVATION
1/4" = 1'-0"



2 PROPOSED FIRST FLOOR PLAN
1/4" = 1'-0"

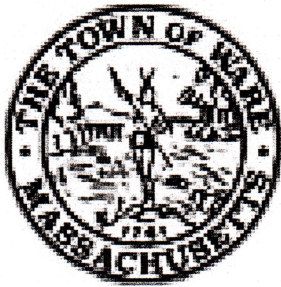


1 PROPOSED BASEMENT PLAN
1/4" = 1'-0"

OWNERSHIP OF DOCUMENTS NOTICE

DRAWINGS AND SPECIFICATIONS, as instruments of service, are the exclusive property of this architect whether the project for which they were prepared is executed and constructed or not. These documents are not to be reproduced in any form and they are not to be used by the project owner nor any other entity on any other projects or for any extensions or additions or alterations to the original project except by written authorization and permission from and agreement with this architect.

GRAPHIC SCALE: 1/4" = 1'-0"
0 2' 4' 8'



Ware

MASSACHUSETTS

ADA Commission
126 Main Street
Ware, MA 01082

ADA Commission
Meeting Minutes
From
July 19, 2022

Meeting took place at the Town Hall, 4:45 p.m.

ADA Commission members present: Stuart B. Beckley, Town Manager,
Thomas H. Barnes, Ruth E. McGrath

ADA Commission member excused: Stephen Hawk

Visitors: Michael Harris

Meeting Agenda items to be discussed:

1. Review of access design plans, 14 West Street
2. Commission Organization

The meeting opened at 4:47 pm. Tom Barnes acted as Chair and introduced Mr. Michael Harris.

Agenda Items Discussed:

1. Plans were displayed for the proposed store at 14 West Street. Mr. Harris explained that the problem is accessibility in this very old building. Various suggestions were discussed but none were feasible. Since there are two other facilities located fairly close to the one under discussion and they both have parking and accessible entrances, a vote was taken to allow the older building at 14 West Street to remain as is. The vote was unanimous. If requirements arise in the future the situation can be readdressed.
2. Commission organization was briefly discussed between Mr. Barnes and Ms. McGrath. Since Mr. Hawk is the Ware ADA Coordinator the topic was tabled until he is available.

Respectfully Submitted,

Ruth E. McGrath
Acting Secretary

July 28, 2022

Ware Planning Board

126 Main Street

Ware, MA 01082

Dear Planning Board Members,

On behalf of Canadian Tree Expert Co., Inc. I request the Town of Ware amend the Ware Zoning Bylaw and Map by changing the zoning of Map 21, Lot 21 and Lot 22 from Rural Residential to Industrial. The street address of these parcels are 415 and 417 Belchertown Road.

This amendment will be beneficial to the Town by increasing the opportunity for economic development, which has been the long-term goal of the property. There could be multiple additional industrial uses on the property. Additionally, the site is unique and distinguishable from other parcels in the district as it has always had an industrial use, therefore, we do not believe this request to be spot zoning. These two parcels comprise over 28 acres of area, and its infrastructure has been engineered to facilitate multiple industrial uses. The industrial use has also been in place prior to the original major zoning bylaws inception of 1987.

Please forward this request to the Selectboard to forward to the Planning Board for a public hearing.

Thank you for your consideration.

Respectfully,



Bernard M. Bergeron, President



Robert A. Fishman

Direct Line: (617) 439-2204

Fax: (617) 310-9204

E-mail: rfishman@nutter.com

MEMORANDUM

May 1, 2018
11878-462

TO: Ted Tye, National Development

FROM: Robert A. Fishman, Esq. *RAF*

RE: Proposed Zoning Amendment to Allow a Traditional Neighborhood Theater to be Located in a Particular Portion of the Traditional Neighborhood Village Sub-District

You have asked me to consider whether the proposed zoning amendment presently being reviewed by the MarketStreet Advisory Committee would be considered illegal "spot zoning".

For the reasons describe below, the pending zoning amendment definitely is not spot zoning.

The proposed amendment would (1) create a new definition of Traditional Neighborhood Theater, (2) establish parking and height requirements for such a use, and (3) designate on a plan (which would be part of the amendment) the specific location within the Traditional Neighborhood Village Sub-District for this new use.

Further, although structured parking is permitted in the Traditional Neighborhood Village Sub-District, in response to some visual concerns expressed by nearby residential areas outside of said Sub-district, the same plan described above also would establish the location for a garage near the theater, further away from such residential areas. Sections 9.5.7.12 and 9.5.7.13 of the Zoning Bylaw will also require approval by the Planning Board of the garage design, location and capacity.

The proposed amendment would not establish a new zoning district. Rather, the amendment simply would add a new permitted use within the Traditional Neighborhood Village Sub-District. More detailed plans for the proposed structures (both theater and garage) still would be required to comply with the Design Standards under Section 9.5.9 of the Zoning Bylaw and undergo Site Plan Review by the Planning Board under Section 9.5.12 of the Zoning Bylaw.

As defined by a long line of cases and settled law, spot zoning only occurs when there is a "singling out of one lot for different treatment from that accorded to similar surrounding land indistinguishable from it in character, [and] all for the economic benefit of the owner of that lot". *Board of Appeals v. Housing Appeals Comm.*, 363 Mass. 339, 361-62 (1973).

If there is any public benefit, a rezoning cannot be spot zoning even if a private landowner will derive some benefit. *Lanner v. Board of Appeal*, 348 Mass. 220, 229-30 (1964); *Rando v. Town of North Attleborough*, 44 Mass. App. Ct. 603, 606 (1998); and *W.R. Grace & Co. v. Cambridge City Council*, 56 Mass. App. Ct. 559, 571 (2002).

Section 9.5.1. Purposes of the Zoning Bylaw, which established the Chapter 40R overlay district in 2007, has a long list of public benefits created by the district including, without limitation, “(a) [implementing] the objectives of the Lynnfield Master Plan (2002), which identified the area within the PVDD for mixed-use development”, and (f) “[generating] positive tax revenue, and to benefit from the financial incentives provided by Gen. Laws. Ch. 40R, while providing the opportunity for new business growth and additional local jobs”.

Since the proposed amendment would accomplish some of the public benefits under Section 9.5.1, the proposed amendment does not constitute spot zoning.

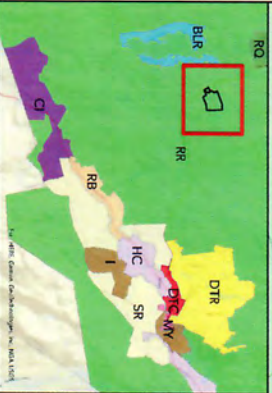
Further, in the present case, a new zoning district is not being created for the land in question. All of the land within the MarketStreet project remains in the Traditional Neighborhood Village Sub-District. All of the land is owned by a single landowner.

The proposed amendment is no different than a situation in which, for example, the Table of Uses for a downtown business district might be amended to permit some new use within that district, for example a yoga studio or health spa. That very common type of zoning change is not spot zoning. Again, illegal spot zoning occurs only when land owned by a particular land owner, indistinguishable from other land within the same zoning district, is singled out for different treatment by the establishment of a new zoning district (for example, from residential to business) or by the expansion of an existing zoning district to allow previously residential property to be zoned for commercial use. See, for example, *Mitchell v. Board of Selectmen*, 346 Mass. 158, 161 (1963) (turning residentially zoned parcel into business district was spot zoning); *Schertzer v. City of Somerville*, 345 Mass. 747, 751-52 (1963) (amendment invalid that re-zoned parcel from business to residential); *McHugh v. Board of Zoning Adjustment*, 336 Mass. 682 (1958) (amendment invalid that converted residentially zoned land into business zoned); and *National Amusements, Inc. v. City of Boston*, 29 Mass. App. Ct. 305, 309 (1990) (amendment invalid that changed parcel from business use to multi-family residential when surrounding land was commercial use).

Unlike the foregoing cases, the proposed zoning change here is evolutionary in nature, allowing an additional use within the Traditional Neighborhood Village Sub-District which will be consistent with, and complimentary to, the existing retail, restaurant and recreational uses within the Sub-district. See *Van Renselaar v. City of Springfield*, 58 Mass. App. Ct. 104, 109 (2003) (no spot zoning where neighboring land was zoned or used for commercial or business uses and zoning change was harmonious with surrounding allowed or existing uses).

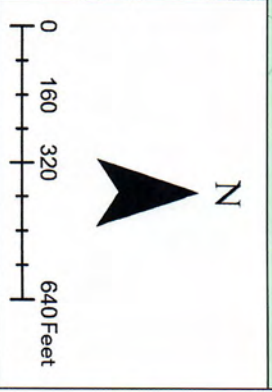
In summary, the proposed amendment is valid since it: (1) creates public benefits as set forth in Section 9.5.1 of the Zoning Bylaw, and (2) does not single out one parcel of land indistinguishable from it in character for treatment differently from other land in the same zoning district.

RAF:cnb



Industrial District Zoning Change Map

Proposed Zoning District Alteration of the Industrial (I) District	Prepared for the Representatives of Canadian Tree Experts	2022
Coordinates: 72°16'4"W 42°15'10"N	Location: 415-417 Belchertown Road, Ware, MA	



SECTION 2. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

2.1. Coordination of Plan Reviews with Other Required Approvals and Permits

It is strongly advised, where projects require additional approvals from other permitting authorities, that such approvals be obtained either prior to submitting applications to the Planning Board or are submitted to the other permitting authorities at the same time that applications are submitted to the Planning Board. It is important to note that other permitting authority's processes may have timelines that are not coterminous with the Planning Board's Subdivision Approval process.

2.2. Pre-Submission Review

Prior to investing in extensive professional design efforts for subdivision plans, it may be beneficial for the prospective applicant to discuss his/her ideas with the Planning and Community Development Staff. It may be useful in avoiding problems at a later stage of the subdivision review process.

Any person engaged in the process of pre-submission review is strongly recommended, but not required, to prepare a Voluntary Sketch Plan that will include the following:

- a) Existing Resources / Site Analysis Map: A map which identifies, locates, and describes noteworthy features to be designed around through sensitive subdivision layouts, such as vegetation, wetlands, steep slopes, agricultural soils, historic or cultural features, threatened or endangered species, unusual geological formations, and scenic views or viewsheds.
- b) Voluntary Sketch Plan: A simple and inexpensive drawing prepared by a professional landscape architect, architect, planner, site designer or engineer, which illustrates conceptual layouts of house lots, streets, stormwater management, conservation areas and other improvements. Ideally, this is based on the Existing Resources/Site Analysis Map and reflects comments received from Town officials.

Contact between the applicant and Planning Board outside of the formal plan submission process should be limited. Any meetings between applicants and Planning Board members must be conducted at a posted public meeting. It should be noted that any comments or suggestions made by the Board are purely advisory and they are not bound by them in their review and decisions on any subsequently submitted Preliminary or Definitive Plans.

2.3. Preliminary Plan

2.3.1 General

A Preliminary Plan of a Type I subdivision may be submitted by the applicant for discussion and action by the Board.

A preliminary plan must be submitted for Type II and Type III subdivisions. The submission of such a Preliminary Plan will enable the applicant, the Planning Board, or other municipal agencies, and owners of property abutting the subdivision to discuss and clarify any problems of such a subdivision before a Definitive Plan is prepared. It is strongly recommended that a Preliminary Plan be filed in all cases, except those cases where pre-submission review has adequately clarified all issues.

To the fullest extent reasonable and practicable, all subdivisions shall be designed and constructed to incorporate the most recent design standards, best practices, policies and design elements of the Town of Ware's Complete Streets Policy.

At the time of submission, the center line of the proposed roadway shall be adequately and accurately staked or flagged on the site, and the individual proposed lots shall be identified in some manner, sufficient for identification by the Planning Board members and Town officials when site visits are made

2.3.2 Filing Procedure

The procedure for filing a Preliminary Plan is as follows:

- a) Any person who submits a Preliminary Plan shall do so to the office of Planning & Community Development, or by certified or registered mail to the office of Planning & Community Development, postage prepaid. A notice filed with the Town Clerk by delivery or by registered mail, postage prepaid, that such a plan has been submitted to the Planning Board. Planning & Community Development Department shall receive the filing fee and then deliver copies of the Preliminary Plan to the Board of Health and Town Clerk. Receipt of such plan by the Town Clerk shall constitute the date of submission. If mailed, the date of receipt (as shown on the returned registered mail receipt) shall be the date of submission of the plan. Such plan shall be accompanied by the completed Application for Approval of a Preliminary Plan (found on Town's Website) and a filing fee (Contact the Planning & Community Development Department for current fee schedule).
- b) The applicant shall file the original drawing (s) or suitable reproducible (s) and eight (8) copies with the Board and two (2) copies with the Board of Health. Said plan shall be prepared by a currently Registered

Massachusetts Engineer and currently Registered Massachusetts Land Surveyor in good standing. Seven (7) additional reduced scale copies on 11"x17" paper shall also be filed with the Planning Board.

- c) A list of anticipated requested waivers from the Subdivision Rules and Regulations (See Appendix E)
- d) In order to make application information available on the Town's web site, and for presentation purposes at public meetings/hearings, all applications (Application for Approval of a Preliminary Plan, Preliminary Development Impact Statement, Waiver Requests, Preliminary Engineering Plans, supportive information) shall also be submitted in a digital format and include:
 - text information shall be submitted in a format suitable for reading as a Microsoft Word document or PDF Adobe Acrobat file.
 - engineering plans shall be submitted in a PDF format.
 - other plans, drawings and photographs must be submitted in a similar format.
- e) Any additional expenses for outside consultants for professional review of the plans, survey, or inspections shall also be paid by applicant in accordance with the PLANNING BOARD RULES AND REGULATIONS and M.G.L. CHPT 44 SEC. 53G.

2.3.3 Contents

The Preliminary Plan shall be drawn at a scale of one inch to forty feet (1"=40') or such other scale as the Board may accept to show details clearly and adequately on a sheet of paper twenty-four by thirty-six inches (24" x 36"). The Plan shall include the following:

- a) The subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"
- b) The names and addresses of the owners of record, the applicant and the engineer or surveyor.
- c) A locus plan overlaid on the most recent MassGIS orthophotos or other best available high-quality low-elevation air photos.
- d) Existing and proposed lines of streets, ways, sidewalks, trails, shared use paths, and easements and any public or common areas within the subdivision, in a general manner.

- e) The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
- f) The proposed method of sanitary sewage disposal and system and water distribution system (including general soils information), in a general manner.
- g) The approximate boundary lines of proposed lots with approximate areas and dimensions.
- h) The names, approximate location and widths of adjacent streets.
- i) The topography of the land, in a general manner.
- j) Land subject to protection/permitting under the Wetlands Protection Act.
- k) An index plan at a scaled of one inch equals two hundred feet (1"=200'), when multiple sheets are used.
- l) A key plan at a scale of one inch equals one thousand feet (1"=1000').
- m) In the case of a subdivision covering less than all of the land owned by the subdivider, a plan showing in a general manner the proposed overall development of all said land.

2.3.4 Action by the Board

Within forty-five (45) days of submission of the Preliminary Plan, the Board shall take one of the following actions:

- a) Approve the plan as presented;
- b) Approve the plan with modifications;
- c) Disapprove the plan.

and shall file its decision with the Town Clerk and notify the applicant (certified mail). Failure of the Board to file its decision on a Preliminary Plan within 45 days after submission shall be deemed to constitute approval of such a plan. In the case of disapproval, the reasons why shall be stated. Approval of the plan does not constitute the approval of a subdivision and no Register of Deeds shall record a Preliminary Plan.

Approval of the Preliminary Plan by the Board does not constitute approval of a subdivision but does facilitate the procedure in securing approval of the Definitive Plan. In addition, such approval does not in any way authorize the owner to proceed with construction of roadways and/or other work in the subdivision.

2.4. Definitive Plan

2.4.1. General

A Definitive Plan shall be governed by the subdivision regulation in effect at the time of submission of such plan, or in effect at the time of submission of a Preliminary Plan provide that a definitive plan evolved therefrom shall have been submitted to the Board within seven (7) months from the date of submission of the Preliminary Plan (if submitted).

To the fullest extent reasonable and practicable, all subdivisions shall be designed and constructed to incorporate the most recent design standards, best practices, policies and design elements of the Town of Ware's Complete Streets Policy.

A Definitive Plan shall also be governed by the zoning in effect at the time of submission of such plan or a Preliminary Plan from which a Definitive Plan is evolved in accordance with the provisions of Section 6 of Chapter 40A of the General Laws as amended.

2.4.2. Filing Procedure

Any person submitting a Definitive Plan of a subdivision to the Board for approval shall do so to the office of Planning & Community Development, or by certified or registered mail to the office of Planning & Community Development, postage prepaid. A notice filed with the Town Clerk by delivery or by registered mail, postage prepaid, that such a plan has been submitted to the Planning Board. Planning & Community Development Department shall receive the filing fee and then deliver copies of the Definitive Plan to the Board of Health and Town Clerk. Receipt of such plan by the Town Clerk shall constitute the date of submission. If mailed, the date of receipt (as shown on the returned registered mail receipt) shall be the date of submission of the plan. If so mailed, the date of receipt (as shown on the returned registered mail receipt) shall be the date of submission of such plan.

The applicant shall file with the Board the following:

- a) An original reproducible drawing of the Definitive Plan, and eight (8) 24"x36" plans, plus two (2) plans with the Board of Health and one (1) plan for the Board of Assessors. The original drawing will be returned to the applicant after a decision on the Plan by the Board. Seven (7) additional

reduced scale copies on 11"x17" paper shall also be filed with the Planning Board.

At least one of the 24"x36" prints shall have the significant features illustrated according to the following color scheme, and shall be used for presentation purposes:

Feature	Identifying Color
Roads	Dark gray
Streams and water bodies	Blue
Wetlands	Solid Red
100-year floodplains	Orange
Dedicated open space and recreation areas	Green
Pedestrian and bicycle paths	Brown
Subdivision and lot boundaries	Black

- b) In order to make application information available on the Town's web site, and for presentation purposes at public meetings/hearings, all applications (Application for Approval of Definitive Subdivision Plan, Waiver Requests, Engineering Plans, supportive information) shall also be submitted in a digital format to the town and include:
- text information shall be submitted in a format suitable for reading as a Microsoft Word document or PDF Adobe Acrobat file.
 - engineering plans shall be submitted in a PDF format.
 - other plans, drawings and photographs must be submitted in a similar format.
- c) Two (2) properly executed Application for Approval of Definitive Subdivision Plans (found on Town's Website), one to the Board and one to the Board of Health.
- d) A filing fee (contact Planning & Community Development Department for current fee schedule).
- Any additional expenses for professional review of the plans, survey, or inspections shall also be paid by applicant in accordance with the hiring of outside consultants (MGL Ch. 44 Sec. 53G, See Appendix D.).
- e) A certified list of abutters

- f) A list of requested waivers from the Subdivision Rules and Regulations (see Appendix E).
- g) A more detailed Development Impact Statement (see Appendix C).

2.4.3. Contents

The Definitive Plan shall be prepared by a current Registered Civil Engineer and current Registered Land Surveyor in good standing. The Plan shall be at a scale of one inch to forty feet (1"=40'), unless otherwise specified by the Planning Board. Sheet size shall not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The data required below may be on separate sheets as is necessary.

The Definitive Plan shall contain the following information:

- a) Subdivision name, boundaries, north point, date, legend, and bench mark(s). All elevations shall be to the USGS bench marks.
- b) Name and address of the owners of record, the applicant, the engineer and surveyor and their official seals.
- c) Abutters from latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
- d) Existing and proposed lines of streets, sidewalks, shared use paths, rights of way, easements, and public or common areas within the subdivision. Proposed names of new streets shall be shown.
- e) Location, names and present widths of street(s) bounding, approaching, or within reasonable proximity of the subdivision.
- f) Zoning districts of all the areas shown on the plan.
- g) Key plan showing location of the subdivision at a scale of one inch equals one thousand feet (1"=1000'), and an index plan at a scale of one inch equals two hundred feet (1"=200'), or at a scale matching that used on the Assessors maps.
- h) Existing (broken line) and proposed (solid line) topography at two (2) foot contour intervals including the finished grade of all lots.
- i) Street frontage, lot numbers and areas of lots.
- j) Location of all natural waterways and water bodies within and adjacent to the subdivision.
- k) Location of significant site features located within the proposed right-of-way such as existing stone walls, fences, buildings, large trees (with a minimum

Town Planner Update: August 4th, 2022

- **The consultants of the West Street Corridor Study have submitted their final reports, which are available on the Planning & Community Development webpage under “Various Plans”**
 - The study aimed to understand the future build out possibilities for West Street while looking at the traffic conditions and taking necessary measures
 - Pare Corporation provided a traffic operations memo with several recommendations including the addition of left turning lanes, more intersections with stop lights, and the practice of access management.
 - They also provided funding recommendations for Road Way and Sidewalk Improvements.
 - McCabe Enterprises carried out the Build Out Analysis and gave recommendations as well.
 - Identified that several parcels in the HC, DTC, and RB zones do not conform to zoning standards for lot dimensions
 - Mentioned that future growth will result from redevelopment or expansion of existing properties
 - High density development and mixed use will be the future for the West Street Corridor
- **The PCD Department has officially hired a new Admin Assistant**
 - The new assistant will start on Monday and is enthusiastic about the position.
 - Will provide a formal introduction at the next meeting.
- **Questions for Planning Board:**
 - **Which Zoning Changes Should be the focus for Fall STM?**
 - September 1st deadline would be ideal for submitting to Select Board
 - List so far:
 - Urban Fill
 - Increasing max height, number of stories, building coverage in the Highway Commercial District (Increase density)
 - Decreasing Minimum Frontage and Area in Highway Commercial District (Existing is 20,000 sq.ft. and 100 ft. of frontage)
 - Marijuana Social Consumption
 - **Should the Planning Board create a Billing Authorization Form for legal advertisements?**
 - It would be a form that applicants fill out to give their permission to have Turley send them the costs for advertising